

Enrolled
House Bill 3055

Sponsored by Representatives VIAL, HELM

CHAPTER

AN ACT

Relating to property line adjustments; amending ORS 92.192.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 92.192 is amended to read:

92.192. (1) As used in this section:

- (a) "Ground water restricted area" has the meaning given that term in ORS 195.300.
- (b) "High-value farmland" has the meaning given that term in ORS 195.300.
- (c) "High-value forestland" has the meaning given that term in ORS 195.300.
- (d) "Waiver" has the meaning given that term in ORS 195.300.

(2) Except as provided in this section, a lawfully established unit of land that is reduced in size by a property line adjustment approved by a city or county must comply with applicable zoning ordinances after the adjustment.

(3) Subject to subsection (4) of this section, for land located entirely outside the corporate limits of a city, a county may approve a property line adjustment in which:

- (a) One or both of the abutting lawfully established units of land are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or
- (b) Both abutting lawfully established units of land are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

(4) On land zoned for exclusive farm use, forest use or mixed farm and forest use, a property line adjustment may not be used to:

- (a) Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
- (b) Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
- (c) Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard; or

(d) Adjust a property line that resulted from a subdivision or partition authorized by a waiver so that any lawfully established unit of land affected by the property line adjustment is larger than:

(A) Two acres if the lawfully established unit of land is, **before the adjustment, two acres in size or smaller and is** high-value farmland, high-value forestland or within a ground water restricted area; or

(B) Five acres if the lawfully established unit of land is, **before the adjustment, five acres in size or smaller and is** not high-value farmland, high-value forestland or within a ground water restricted area.

Passed by House April 3, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 10, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State